

REMARKS

This Application has been carefully reviewed in light of the Office Action. Applicants amend Claims 1 and 3, and add new Claim 26. Applicants respectfully request reconsideration and favorable action in this case.

Section 102 Rejections

The Office Action rejects Claims 1, 3-8, 11-14, 17-19 and 24-25 under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,868,117 to Mardinian (“*Mardinian*”). Applicants respectfully traverse these rejections for the reasons stated below.

Mardinian was filed on February 26, 2001, which is after the filing date of the present application. Therefore, Applicants respectfully contend that *Mardinian* is not prior art to the present application.

Section 103 Rejections

The Office Action rejects Claims 9 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Mardinian*. Applicants respectfully traverse these rejections for the reasons stated below.

Mardinian was filed on February 26, 2001, which is after the filing date of the present application. Therefore, Applicants respectfully contend that *Mardinian* is not prior art to the present application.

Claim Objection

The Office Action objects to Claim 13 and contends that the phrase “coupling the communication” of the limitation “coupling the communication coupling with a communication system” is redundant. Applicants respectfully disagree. Claim 13 depends from Claim 11 incorporates all limitations thereof. Claim 13 also includes “third and fourth communication paths coupling the communication coupling with a communication system...”. For purposes of clarity, the word “coupling” appears twice in Claim 13, once as a verb and once as a noun (e.g., communication coupling). Applicants respectfully contend that there is nothing redundant about the limitations of Claim 13.

Section 112 Rejections

The Office Action rejects Claims 1, 3-9, 11-15, 17-19, 21-22 and 24-25 under 35 U.S.C. §112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse these rejections for the reasons stated below.

Initially, Applicants note that the Examiner has issued four Office Actions (March 17, 2005, November 11, 2005, April 20, 2006 and October 2, 2006, collectively, the “Prior Office Actions”) prior to the present Office Action, addressing claims that are substantially identical, and in some cases precisely identical to those that are currently pending. None of the Prior Office Actions included any rejections under 35 U.S.C. §112. Moreover, in the Office Actions mailed April 20, 2006 and October 2, 2006, the Examiner indicated that each of Claims 11-15, 17-19, 21-22, and 24-25 were “allowed” and each of Claims 2, 3, 5, 6 and 9 “would be allowable if rewritten in independent form.” Thus, Applicants are unsure why the Examiner is only now raising rejections under 35 U.S.C. §112, after approximately two years of active prosecution. Notwithstanding the foregoing, Applicants address the rejections under 35 U.S.C. §112 below.

Applicants respectfully contend that each of Claims 1, 3-9, 11-15, 17-19, 21-22 and 24-25 particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action indicates that the Examiner “has difficulty to map the claimed components/paths/signals to the specification. For example, Examiner fails to find support from the specification for the claimed first and second communication paths, first communication signal, and second communication signal.” *See Office Action, Page 2.* Applicants are willing to assist the Examiner “to map the claimed components/paths/signals to the specification.” However, without a more specific rejection or description of how or why the Examiner is having this difficulty, Applicants will be unable to do so. Moreover, the Examiner seems to suggest that the claims are not supported by the specification, which is inconsistent with the rejection under 35 U.S.C. §112 which states that the claims are “indefinite.” To the extent that the Examiner contends that the first and second communication paths, first communication signal, and second communication signal are not

“supported” by the specification, Applicants respectfully contend that these limitations are each included in originally filed claims and are, therefore, self-supported.

The Examiner also argues that the “it is unclear where the specification explains the first communication signal can [be] both ‘receive’ and ‘transmit’ at the same time.” Applicants are not sure which limitation(s) the Examiner is referring to here, and note that the claims do not include a limitation that requires “the first communication signal can be both ‘receive’ and ‘transmit’ at the same time” as suggested by the Office Action. If the Examiner intends to maintain this ground of rejection, Applicants respectfully request that the Examiner more precisely identify the portion of the claims that are “indefinite” in any way.

Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe no fee is due. However, should there be a fee discrepancy, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. **02-0384** of **Baker Botts L.L.P.**

Respectfully submitted,

BAKER BOTT S L.L.P.
Attorneys for Applicants



Luke K. Pedersen
Reg. No. 45,003
PHONE: (214) 953-6655

Date: 3/5/07

CORRESPONDENCE ADDRESS:

Customer Number: **05073**
Attorney Docket No.: 020095.0133